

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Luther Brian Marcus,)	C/A No. 5:14-cv-04390-DCN-KDW
)	
)	
Petitioner,)	
v.)	
)	ORDER
)	
Warden Allendale Correctional Institution,)	
)	
Respondent.)	
)	
)	

Petitioner is a state prisoner who filed this pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 23, 2015, Respondent filed a Motion for Summary Judgment and Return and Memorandum to his Petition. ECF Nos. 21, 22. Because Plaintiff is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising him of the importance of such motions and of the need for him to file adequate responses. ECF No. 23. Petitioner was specifically advised that if he failed to respond adequately, the Respondent's Motion may be granted, thereby ending this case against him.

Notwithstanding the specific warning and instructions set forth in the court's *Roseboro* order, Petitioner has failed to respond to the Motion. As such, it appears to the court that he does not oppose the Motion and wishes to abandon this action. Based on the foregoing, Petitioner is directed to advise the court whether he wishes to continue with this case and to file a response to Respondent's Motion for Summary Judgment by **June 5, 2015**. Petitioner is further advised that if he fails to respond, this action will be recommended for

dismissal with prejudice against Petitioner for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

May 5, 2015
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style.

Kaymani D. West
United States Magistrate Judge